

Serial No.: 10/732,871.....Page 4

### REMARKS

Regarding the status of the application, Claims 1, 9 and 17 have been amended and Claims 1-19 are pending in this application. Reconsideration of this application is respectfully requested.

Claims 1-4, 7-12, and 15-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2004/0174434 of Walker, et al.

The Walker, et al. patent application primarily discloses that a camera communicates with an external computer or server. The camera transmits information to the server that processes the information and transmits questions to the camera that are presented to a user. Answers to the questions allow for adjustment of settings of the camera. The external computer or server is used to remotely adjust settings of the camera (see Fig. 1 and paragraph [0035] for example).

However, it is stated in paragraph [0040] that, in some embodiments, "one or more functions described as being performed by the server 110 may be performed by the camera 130, and some or all of the data described as being stored on a server 110 may be stored on the camera 130 or on another device in communication with the camera 130 (e.g., another camera, a personal digital assistant (PDA))."

Fig. 16 and its related description in paragraphs [0279-0281] indicates that after capturing an image, the camera may determine and output a question to the user based upon the image, receive a response from the user, and perform an action based upon the response. From this, it is clear that a question is presented to the user, and after a response is made to the question, the camera performs an action based upon the response.

Paragraph [0102] states in part that "Various types of sensors that may be included in a camera include, without limitation: ... a global positioning system (GPS) device (e.g., for determining a camera's location), ... a clock (e.g., indicating the time of day, day of the week, month, year)."

However, notwithstanding the fact that the camera may include a GPS device and a clock, it is respectfully submitted that this is not a teaching or suggestion that firmware in the camera processes geographic location and time data entered into the camera without presenting a question to a user to select one of the profiles based upon the geographic location and time data, as is presently claimed. [Emphasis added]

The Examiner's position is that the Walker, et al. patent application discloses "a plurality of predetermined profiles (modes shown in Figure 7; see paragraph 113) stored in the camera (in settings database 620; see paragraph 114)." It is respectfully submitted that the "modes" disclosed in the Walker, et al. patent application are manually selected. For example, paragraph [0100] states in part that "As will be understood by those skilled in the art, a camera may include one or more controls or other input devices. Examples of controls include, without limitation: a button (e.g., a shutter button), a switch (e.g., an on/off switch), a dial (e.g., a mode

Serial No.: 10/732,871.....Page 5

selection dial)..." Similarly, paragraph [0101] states in part that "In another example, a user may use a mode dial on the camera to select a plurality of settings simultaneously."

The Examiner also argued that the Walker, et al. patent application discloses "firmware (stored in memory 610 on a "computer-readable medium" [see paragraph 91], which is defined in paragraph 72 as, for example, a PROM, EPROM, or flash EEPROM) that runs on the processing circuitry (see paragraph 91) that processes geographic location (obtained using a GPS device; see paragraphs 65 and 226) and time data (see paragraph 224) entered into the camera to select one of the profiles based upon the geographic location and time data (the camera selects a mode for presentation to the user [see paragraphs 113 and 551] and can automatically select a default response and enter the mode; see paragraph 462)."

Paragraph [0065] of the Walker, et al. patent application states in part that "In another example, a user may carry a GPS device that is separate from the camera but that communicates with the camera using a USB cable. In order to indicate his location, the user may transmit an indication of his latitude and longitude from the GPS device to the camera. ... One advantage of having a second device implement a large number of controls for the camera is that the camera can have a very small form factor, but still be operable by a large number of controls because all of these controls are on the second device." From these statements, it is clear that the GPS device is external to the camera and that the camera may be controlled from the external device.

Paragraph [0226] of the Walker, et al. patent application states in part that "Examples of factors relating to information from sensors include, without limitation: location of the camera (e.g., determined with a GPS sensor) ..." However, it is respectfully submitted that there is no disclosure in paragraph [0226] or elsewhere in the Walker, et al. patent application that GPS (location) and time data are entered into the camera, whereupon a profile is selected based upon the location and time data without presenting a question to a user. [Emphasis added]

Paragraph [0224] of the Walker, et al. patent application states that "Examples of time-related factors include, without limitation: the duration of a condition (e.g., for the last ten seconds, for a total of fifteen minutes), the current time of day, week, month, or year (e.g., 12:23 pm Sep. 6, 2002), a duration of time after a condition occurs (e.g., two seconds after a previous image is captured), an estimated amount of time until a condition occurs (e.g., ten minutes until the camera's batteries run out, twenty minutes before the sun goes down)." However, it is respectfully submitted that this paragraph does not provide an indication that geographic location and time data entered into the camera are used to select a profile based upon the geographic location and time data.

Paragraph [0113] of the Walker, et al. patent application states that "In accordance with some embodiments of the present invention, a mode refers to one or more parameters that may affect the operation of the camera. A setting may be one type of parameter. Indicating a mode to the camera may be a convenient way of adjusting a plurality of settings on the camera (e.g., as opposed to adjusting each setting individually). There are many types of modes. Some types, for example, may affect settings (e.g., how images are captured) and other modes may affect

Serial No.: 10/732,871.....Page 6

outputting questions. Some exemplary modes are discussed herein, without limitation, and other types of modes will be apparent to those skilled in the art in light of the present disclosure. A "Sports" mode, for example, may describe settings appropriate for capturing images of sporting events (e.g., fast shutter speeds). For instance, a user may operate a control (e.g., a dial) to indicate that the camera should be in "Sports" mode, in which the shutter speed on the camera is faster than 1/250 sec and burst capturing of three images is enabled. An exemplary "Fluorescent Light" mode may establish settings appropriate for capturing images under fluorescent lights (e.g., white balance). A "Sunny Beach" mode may describe settings appropriate for capturing images on sunny beaches, and a "Sunset" mode may describe settings appropriate for capturing images of sunsets (e.g., neutral density filter). An exemplary "Portrait" mode may establish settings appropriate for capturing close-up images of people (e.g., adjusting for skin tones)."

It is respectfully submitted that the statements contained in paragraph [0113] relating to mode selection indicate that a mode is selected by the user, not that "the camera selects a mode for presentation to the user" as is suggested by the Examiner. This is evident from the statement in paragraph [0113] "For instance, a user may operate a control (e.g., a dial) to indicate that the camera should be in "Sports" mode."

Paragraph [0113] of the Walker, et al. patent application states that "According to some embodiments, a camera may adjust a setting for one or more images. For example, the camera may output a question to a user, "Is this a group photo?" If the user responds "Yes" to the question, then the camera may adjust one or more settings and enable the user to capture one image based on these settings. After capturing the image of the group of people, the camera may revert to its original settings, for example, or determine one or more new settings for capturing images in the future. In some embodiments, settings may be adjusted for a plurality of images. For example, the camera may output a question to a user, "Are we at the beach?" If the user responds "Yes" to the question, then the camera may put the camera in "Beach" mode for the remainder of the user's image-capturing session. The camera may remain in "Beach" mode until the user turns the camera off or until the user begins capturing images of a different scene."

From this description, it is clear that the camera outputs (presents) a question to the user, and based upon the user's response, a particular mode setting is selected, for example one that corresponds to a "Beach" location. None of the statements contained in paragraph [0113] are a teaching or suggestion that GPS (location) and time data are entered into the camera, whereupon a profile is selected based upon the location and time data without presenting a question to a user. [Emphasis added]

Paragraph [0551] of the Walker, et al. patent application states that "According to some embodiments, a camera may adjust a setting for one or more images. For example, the camera may output a question to a user, "Is this a group photo?" If the user responds "Yes" to the question, then the camera may adjust one or more settings and enable the user to capture one

Serial No.: 10/732,871.....Page 7

image based on these settings. After capturing the image of the group of people, the camera may revert to its original settings, for example, or determine one or more new settings for capturing images in the future. In some embodiments, settings may be adjusted for a plurality of images. For example, the camera may output a question to a user, "Are we at the beach?" If the user responds "Yes" to the question, then the camera may put the camera in "Beach" mode for the remainder of the user's image-capturing session. The camera may remain in "Beach" mode until the user turns the camera off or until the user begins capturing images of a different scene." Again, the Walker, et al. camera is operative to present questions to the user, and adjust camera settings based upon the user's response to the questions.

Thus, it is respectfully submitted that there is no disclosure or suggestion contained in the Walker, et al. patent application regarding software or firmware that runs on a processor that selects a profile (mode) based upon the geolocation of the camera and the current time without first presenting a question to a user. It is respectfully submitted that the Walker, et al. patent application contains no disclosure or suggestion that a user enters geographic location and time data which allow firmware to automatically select a profile in response thereto without presenting a question to a user.

It is respectfully submitted that, while the Walker, et al. camera may include a GPS device and a clock, there is no teaching or suggestion contained in the Walker, et al. patent application that indicates that firmware in the camera automatically processes geographic location and time data entered into the camera, without presenting a question to a user, to select one of the profiles based upon the geographic location and time data, as is presently claimed.

Therefore, with regard to independent Claim 1, it is respectfully submitted that the Walker, et al. patent application does not disclose or suggest "firmware that runs on the processing circuitry that processes geographic location and time data entered into the camera to automatically select one of the profiles based upon the geographic location and time data without presenting a question to a user."

Therefore, it is respectfully submitted that Claim 1 is not disclosed or suggested by the Walker, et al. patent application. Withdrawal of the Examiner's rejection and allowance of Claim 1 are respectfully requested.

With regard to independent Claim 9, it is respectfully submitted that the Walker, et al. patent application does not disclose or suggest "configuring the firmware to automatically select one of the profiles based upon the geographic location and time data that were entered without presenting a question to a user."

Therefore, it is respectfully submitted that Claim 9 is not disclosed or suggested by the Walker, et al. patent application. Withdrawal of the Examiner's rejection and allowance of Claim 9 are respectfully requested.

With regard to independent Claim 17, it is respectfully submitted that the Walker, et al. patent application does not disclose or suggest "automatically selecting, by way of the firmware,

Serial No.: 10/732,871.....Page 8

one of the profiles based upon the geographic location and time data that were entered without presenting a question to a user."

Therefore, it is respectfully submitted that Claim 17 is not disclosed or suggested by the Walker, et al. patent application. Withdrawal of the Examiner's rejection of Claim 17 is respectfully requested.

Dependent Claims 2-4, 7, 8, 10-12, 15 and 16 are considered patentable based upon the allowability of Claims 1 and 9. Withdrawal of the Examiner's rejection and allowance of Claims 2-4, 7, 8, 10-12, 15 and 16 are respectfully requested.

Claims 5, 6, 13, 14, 18 and 19 were rejected under 35 U.S.C. § 102(b) as being obvious in view of U.S. Patent Application Publication No. 2004/0174434 of Walker, et al. The Walker, et al. patent application was taken in conjunction with Official Notice "that it is well known to use the GPS system to set the time on an electronic device" in order to reject Claims 5, 6, 13, 14, 18, and 19.

Dependent Claims 5, 6, 13, 14, 18 and 19 are considered patentable based upon the allowability of Claims 1, 9 and 17. Withdrawal of the Examiner's rejection and allowance of Claims 5, 6, 13, 14, 18 and 19 are respectfully requested.

The prior art heretofore made of record and not relied upon is considered pertinent to applicants' disclosure to the extent indicated by the Examiner.

In view of the above, it is respectfully submitted that all pending Claims are not anticipated by, nor are they obvious in view of the Walker, et al. patent application, or the Walker, et al. patent application taken in conjunction with Official Notice, and are therefore patentable. Accordingly, it is respectfully submitted that the present application is in condition for allowance. Reconsideration and allowance of this application are earnestly solicited.

Respectfully submitted,



Kenneth W. Float  
Registration No. 29,233

The Law Offices of Kenneth W. Float  
2095 Hwy. 211 NW, # 2F  
Braselton, GA 30517  
Telephone: (949) 257-7964